

The Honorable Lauren King

FILED ENTERED
LODGED RECEIVED

JUL 05 2024

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

RYAN HOLMQUIST,

Defendant.

NO. CR22-180 LK

PLEA AGREEMENT

The United States, through United States Attorney Tessa M. Gorman and Assistant United States Attorney Casey S. Conzatti of the Western District of Washington and Ryan Holmquist and Mr. Holmquist's attorney Ralph Hurvitz enter into the following Plea Agreement, pursuant to Federal Rule of Criminal Procedure 11(c)(1)(B).

1. **The Charge.** Defendant, having been advised of the right to have this matter tried before a jury, agrees to waive that right and enters a plea of guilty to the following charge contained in the Indictment.

1 a. Conspiracy to Distribute Controlled Substances, in violation of Title
2 21, United States Code, Section 841(a)(1), 841(b)(1)(C), and 846, a lesser
3 included offense of Count 1 of the Indictment.

4 By entering a plea of guilty, Defendant hereby waives all objections to the form of
5 the charging document. Defendant further understands that before entering any guilty
6 plea, Defendant will be placed under oath. Any statement given by Defendant under oath
7 may be used by the United States in a prosecution for perjury or false statement.

8 2. **Elements of the Offense.** The elements of Conspiracy to Distribute
9 Controlled Substances, a lesser included offense of Count 1 of the indictment, to which
10 Defendant is pleading guilty are as follows:

11 a. Beginning at a time unknown, but within the past five years, and
12 continuing until on or about October 25, 2022, there was an agreement between
13 two or more persons to distribute controlled substances including
14 methamphetamine and ~~heroin~~; and

15 b. The Defendant joined in the agreement knowing of its purpose and
16 intending to help accomplish that purpose

17 3. **The Penalties.** Defendant understands that the statutory penalties
18 applicable to the offense to which Defendant is pleading guilty are as follows:

19 a. For the offense of Conspiracy to Distribute Controlled Substances, a
20 lesser included offense of Count 1: A maximum term of imprisonment of up to 20
21 years, a fine of up to \$ 1,000,000, a period of supervision following release from
22 prison of at least three years and up to life, and a mandatory special assessment of
23 one-hundred dollars. If a probationary sentence is imposed, the probation period
24 can be for up to five (5) years.

25 Defendant understands that supervised release is a period of time following
26 imprisonment during which Defendant will be subject to certain restrictive conditions and
27 requirements. Defendant further understands that, if supervised release is imposed and

1 Defendant violates one or more of the conditions or requirements, Defendant could be
2 returned to prison for all or part of the term of supervised release that was originally
3 imposed. This could result in Defendant serving a total term of imprisonment greater than
4 the statutory maximum stated above.

5 Defendant understands that as a part of any sentence, in addition to any term of
6 imprisonment and/or fine that is imposed, the Court may order Defendant to pay
7 restitution to any victim of the offense, as required by law.

8 Defendant further understands that the consequences of pleading guilty may
9 include the forfeiture of certain property, either as a part of the sentence imposed by the
10 Court, or as a result of civil judicial or administrative process.

11 Defendant agrees that any monetary penalty the Court imposes, including the
12 special assessment, fine, costs, or restitution, is due and payable immediately and further
13 agrees to submit a completed Financial Disclosure Statement as requested by the United
14 States Attorney's Office.

15 Defendant understands that, if pleading guilty to a felony drug offense, Defendant
16 will become ineligible for certain food stamp and Social Security benefits as directed by
17 Title 21, United States Code, Section 862a.

18 **4. Immigration Consequences.** Defendant recognizes that pleading guilty
19 may have consequences with respect to Defendant's immigration status if Defendant is
20 not a citizen of the United States. Under federal law, a broad range of crimes are grounds
21 for removal, and some offenses make removal from the United States presumptively
22 mandatory. Removal and other immigration consequences are the subject of a separate
23 proceeding, and Defendant understands that no one, including Defendant's attorney and
24 the Court, can predict with certainty the effect of a guilty plea on immigration status.
25 Defendant nevertheless affirms that Defendant wants to plead guilty regardless of any
26 immigration consequences that Defendant's guilty plea(s) may entail, even if the
27 consequence is Defendant's mandatory removal from the United States.

1 **5. Rights Waived by Pleading Guilty.** Defendant understands that by
2 pleading guilty, Defendant knowingly and voluntarily waives the following rights:

3 a. The right to plead not guilty and to persist in a plea of not guilty;

4
5 b. The right to a speedy and public trial before a jury of Defendant's
6 peers;

7 c. The right to the effective assistance of counsel at trial, including, if
8 Defendant could not afford an attorney, the right to have the Court appoint one for
9 Defendant;

10 d. The right to be presumed innocent until guilt has been established
11 beyond a reasonable doubt at trial;

12 e. The right to confront and cross-examine witnesses against Defendant
13 at trial;

14 f. The right to compel or subpoena witnesses to appear on Defendant's
15 behalf at trial;

16 g. The right to testify or to remain silent at trial, at which trial such
17 silence could not be used against Defendant; and

18 h. The right to appeal a finding of guilt or any pretrial rulings.

19 **6. United States Sentencing Guidelines.** Defendant understands and
20 acknowledges that the Court must consider the sentencing range calculated under the
21 United States Sentencing Guidelines and possible departures under the Sentencing
22 Guidelines together with the other factors set forth in Title 18, United States Code,
23 Section 3553(a), including: (1) the nature and circumstances of the offense(s); (2) the
24 history and characteristics of Defendant; (3) the need for the sentence to reflect the
25 seriousness of the offense(s), to promote respect for the law, and to provide just
26 punishment for the offense(s); (4) the need for the sentence to afford adequate deterrence
27 to criminal conduct; (5) the need for the sentence to protect the public from further

1 crimes of Defendant; (6) the need to provide Defendant with educational and vocational
 2 training, medical care, or other correctional treatment in the most effective manner; (7)
 3 the kinds of sentences available; (8) the need to provide restitution to victims; and (9) the
 4 need to avoid unwarranted sentence disparity among defendants involved in similar
 5 conduct who have similar records. Accordingly, Defendant understands and
 6 acknowledges that:

7 a. The Court will determine Defendant's Sentencing Guidelines range
 8 at the time of sentencing;

9 b. After consideration of the Sentencing Guidelines and the factors in
 10 18 U.S.C. § 3553(a), the Court may impose any sentence authorized by law, up to the
 11 maximum term authorized by law;

12 c. The Court is not bound by any recommendation regarding the
 13 sentence to be imposed, or by any calculation or estimation of the Sentencing Guidelines
 14 range offered by the parties or the United States Probation Department, or by any
 15 stipulations or agreements between the parties in this Plea Agreement; and

16 d. Defendant may not withdraw a guilty plea solely because of the
 17 sentence imposed by the Court.

18 7. **Ultimate Sentence.** Defendant acknowledges that no one has promised or
 19 guaranteed what sentence the Court will impose.

20 8. **Statement of Facts.** Defendant admits Defendant is guilty of the charged
 21 offense. The parties agree on the following facts:

22 a. Beginning at a time unknown, and continuing until at least October
 23 25, 2022, the Defendant, Ryan Holmquist, conspired with others known and
 24 unknown, including those named in the indictment, to distribute controlled
 25 substances, including methamphetamine, within the Western District of
 26 Washington.
 27

1 b. During the conspiracy, Mr. Holmquist ordered methamphetamine
2 from his co-conspirators which he then redistributed. Specific examples of this
3 include a call placed by co-defendant Jose Paleo to Mr. Holmquist on May 7,
4 2022, at approximately 10:06 p.m. During this call Mr. Paleo asked if Mr.
5 Holmquist needed any “water” [methamphetamine]. Mr. Holmquist responded by
6 saying that he only needed “two” [two pounds] because he had a big order coming
7 shortly. Additionally, on May 9, 2022, at approximately 6:55 p.m., Mr. Holmquist
8 sent a text message to Mr. Paleo asking if Mr. Paleo had “seven waters” [seven
9 pounds of methamphetamine]. Mr. Holmquist was supplied with the controlled
10 substances he ordered by members of the conspiracy, including Mr. Paleo. Mr.
11 Paleo and Mr. Holmquist also communicated regarding money that Mr. Holmquist
12 owed Mr. Paleo in exchange for the drugs he ordered. Mr. Holmquist knowingly
13 conspired and agreed with his co-conspirators to distribute methamphetamine to
14 others in order to obtain a benefit to himself.

15 c. On October 25, 2022, agents executed a search warrant at Mr.
16 Holmquist’s residence. During the execution of the search warrant, agents
17 recovered methamphetamine and heroin. The controlled substances located inside
18 Mr. Holmquist’s residence were knowingly possessed by him.

19 d. Additionally, agents also recovered one Ruger Security-9 pistol from
20 inside Mr. Holmquist’s residence, as well as ammunition, magazines, and
21 accessories. Because the firearm, ammunition, and accessories were available for
22 Mr. Holmquist to use to protect his drugs and drug proceeds, this property
23 facilitated Mr. Holmquist’s participation in the charged conspiracy.

24 The parties agree that the Court may consider additional facts contained in the
25 Presentence Report (subject to standard objections by the parties) and/or that may be
26 presented by the United States or Defendant at the time of sentencing, and that the factual
27

1 statement contained herein is not intended to limit the facts that the parties may present to
2 the Court at the time of sentencing.

3 9. **Sentencing Factors.** The parties agree that the following Sentencing
4 Guidelines provisions apply to this case:

5 a. A base offense level of 32 as the relevant conduct involved at least
6 3,000 kilograms but less than 10,000 kilograms of converted drug weight,
7 pursuant to USSG § 2D1.1(c)(4).

8 b. A two-point increase as a dangerous weapon was possessed,
9 pursuant to USSG § 2D1.1(b)(1).

10 The parties agree they are free to present arguments regarding the applicability of
11 all other provisions of the United States Sentencing Guidelines. Defendant understands,
12 however, that at the time of sentencing, the Court is free to reject these stipulated
13 adjustments, and is further free to apply additional downward or upward adjustments in
14 determining Defendant's Sentencing Guidelines range.

15 10. **Acceptance of Responsibility.** At sentencing, if the Court concludes
16 Defendant qualifies for a downward adjustment for acceptance of responsibility pursuant
17 to USSG § 3E1.1(a) and Defendant's offense level is 16 or greater, the United States will
18 make the motion necessary to permit the Court to decrease the total offense level by three
19 levels pursuant to USSG §§ 3E1.1(a) and (b), because Defendant has assisted the United
20 States by timely notifying the United States of Defendant's intention to plead guilty,
21 thereby permitting the United States to avoid preparing for trial and permitting the Court
22 to allocate its resources efficiently.

23 11. **Forfeiture of Assets.** Defendant understands that the forfeiture of property
24 is part of the sentence that must be imposed in this case. Defendant agrees to forfeit to the
25 United States immediately his right, title, and interest in any and all property, real or
26 personal, that constitutes proceeds of, and/or that facilitated, his commission of the
27 offense of *Conspiracy to Distribute Controlled Substances*, a lesser-included offense to

1 that charged in Count 1 of the Indictment. All such property is forfeitable pursuant to
 2 Title 21, United States Code, Section 853(a), and includes, but is not limited to, the
 3 following property, seized from 755 5th Avenue NW, Unit D102, Issaquah, Washington,
 4 on or about October 25, 2022:

- 5 a. One Ruger Security-9 pistol, bearing serial number 383-03286, with a
 6 loaded magazine attached, and two additional loaded magazines;
- 7 b. Three boxes of 9mm Luger ammunition; and
- 8 c. Miscellaneous loose rounds of ammunition.

9 Defendant agrees to fully assist the United States in the forfeiture of any
 10 forfeitable property and to take whatever steps are necessary to pass clear title to the
 11 United States, including but not limited to: surrendering title and executing any
 12 documents necessary to effect forfeiture; assisting in bringing any property located
 13 outside the United States within the jurisdiction of the United States; and taking whatever
 14 steps are necessary to ensure that property subject to forfeiture is not sold, disbursed,
 15 wasted, hidden, or otherwise made unavailable for forfeiture.

16 Defendant also agrees not to file any claims to any of this property in any federal
 17 forfeiture proceeding, administrative or judicial, that may be or has been initiated, or to
 18 otherwise contest any federal forfeiture proceeding that may be or has been initiated.
 19 Defendant also agrees he will not assist anyone else who may file a claim to this property
 20 in any federal forfeiture proceeding.

21 The United States reserves its right to proceed against any remaining assets not
 22 identified in this Plea Agreement, in which the Defendant has any interest or control, if
 23 said assets facilitated and/or constitute proceeds of his commission of *Conspiracy to*
 24 *Distribute Controlled Substances*, a lesser-included offense of that charged in Count 1.

25 12. **Abandonment.** Defendant also agrees that, if any federal law enforcement
 26 agency seized any illegal contraband, or any other firearms, magazines, ammunition, or
 27 firearms accessories, that were in Defendant's direct or indirect control, Defendant

1 consents to the federal administrative disposition, official use, and/or destruction of that
2 property.

3 13. **Non-Prosecution of Additional Offenses.** As part of this Plea Agreement,
4 the United States Attorney's Office for the Western District of Washington agrees not to
5 prosecute Defendant for any additional offenses known to it as of the time of this Plea
6 Agreement based upon evidence in its possession at this time, and that arise out of the
7 conduct giving rise to this investigation. In this regard, Defendant recognizes the United
8 States has agreed not to prosecute all of the criminal charges the evidence establishes
9 were committed by Defendant solely because of the promises made by Defendant in this
10 Plea Agreement. Defendant agrees, however, that for purposes of preparing the
11 Presentence Report, the United States Attorney's Office will provide the United States
12 Probation Office with evidence of all conduct committed by Defendant.

13 Defendant agrees that any charges to be dismissed before or at the time of
14 sentencing were substantially justified in light of the evidence available to the United
15 States, were not vexatious, frivolous or taken in bad faith, and do not provide Defendant
16 with a basis for any future claims under the "Hyde Amendment," Pub. L. No. 105-119
17 (1997).

18 14. **Breach, Waiver, and Post-Plea Conduct.** Defendant agrees that, if
19 Defendant breaches this Plea Agreement: (a) the United States may withdraw from this
20 Plea Agreement and Defendant may be prosecuted for all offenses for which the United
21 States has evidence; (b) Defendant will not oppose any steps taken by the United States
22 to nullify this Plea Agreement, including the filing of a motion to withdraw from the Plea
23 Agreement; and/or (c) Defendant waives any objection to the re-institution of any charges
24 that previously were dismissed or any additional charges that had not been prosecuted.

25 Defendant further understands that if, after the date of this Plea Agreement,
26 Defendant should engage in illegal conduct, or conduct that violates any conditions of
27 release or the conditions of confinement (examples of which include, but are not limited

1 to, obstruction of justice, failure to appear for a court proceeding, criminal conduct while
2 pending sentencing, and false statements to law enforcement agents, the Pretrial Services
3 Officer, Probation Officer, or Court), the United States is free under this Plea Agreement
4 to file additional charges against Defendant and/or to seek a sentence that takes such
5 conduct into consideration by requesting the Court to apply additional adjustments or
6 enhancements in its Sentencing Guidelines calculations in order to increase the applicable
7 advisory Guidelines range, and/or by seeking an upward departure or variance from the
8 calculated advisory Guidelines range. Under these circumstances, the United States is
9 free to seek such adjustments, enhancements, departures, and/or variances even if
10 otherwise precluded by the terms of the Plea Agreement.

11 **15. Waiver of Appellate Rights and Rights to Collateral Attacks.** Defendant
12 acknowledges that, by entering the guilty plea(s) required by this Plea Agreement,
13 Defendant waives all rights to appeal from Defendant's conviction, and any pretrial
14 rulings of the Court, and any rulings of the Court made prior to entry of the judgment of
15 conviction. Defendant further agrees that, provided the Court imposes a custodial
16 sentence that is within or below the Sentencing Guidelines range (or the statutory
17 mandatory minimum, if greater than the Guidelines range) as determined by the Court at
18 the time of sentencing, Defendant waives to the full extent of the law any right conferred
19 by Title 18, United States Code, Section 3742, to challenge, on direct appeal, the
20 sentence imposed by the Court, including any fine, restitution order, probation or
21 supervised release conditions, or forfeiture order (if applicable).

22 Defendant also agrees that, by entering the guilty plea(s) required by this Plea
23 Agreement, Defendant waives any right to bring a collateral attack against the conviction
24 and sentence, including any restitution order imposed, except as it may relate to the
25 effectiveness of legal representation or a claim of prosecutorial misconduct based on facts
26 unknown or not reasonably discoverable prior to entry of the judgment of conviction.

27 Defendant acknowledges that certain claims, including certain claims for prosecutorial

1 misconduct, will be barred by operation of law by virtue of their guilty plea,
2 independently from this Plea Agreement. This waiver does not preclude Defendant from
3 bringing an appropriate motion pursuant to 28 U.S.C. § 2241, to address the conditions of
4 Defendant's confinement or the decisions of the Bureau of Prisons regarding the
5 execution of Defendant's sentence.

6 If Defendant breaches this Plea Agreement at any time by appealing or collaterally
7 attacking (except as to claims not subject to the waiver, above) the conviction or sentence
8 in any way, the United States may prosecute Defendant for any counts, including those
9 with mandatory minimum sentences, that were dismissed or not charged pursuant to this
10 Plea Agreement.

11
12 **16. Voluntariness of Plea.** Defendant agrees that Defendant has entered into
13 this Plea Agreement freely and voluntarily, and that no threats or promises were made to
14 induce Defendant to enter a plea of guilty other than the promises contained in this Plea
15 Agreement or set forth on the record at the change of plea hearing in this matter.

16 **17. Statute of Limitations.** In the event this Plea Agreement is not accepted by
17 the Court for any reason, or Defendant breaches any of the terms of this Plea Agreement,
18 the statute of limitations shall be deemed to have been tolled from the date of the Plea
19 Agreement to: (1) thirty days following the date of non-acceptance of the Plea Agreement
20 by the Court; or (2) thirty days following the date on which a breach of the Plea
21 Agreement by Defendant is discovered by the United States Attorney's Office.


22 //

23 //

24 //

1 18. **Completeness of Plea Agreement.** The United States and Defendant
2 acknowledge that these terms constitute the entire Plea Agreement between the parties,
3 except as may be set forth on the record at the change of plea hearing in this matter. This
4 Plea Agreement binds only the United States Attorney's Office for the Western District
5 of Washington. It does not bind any other United States Attorney's Office or any other
6 office or agency of the United States, or any state or local prosecutor.

7 Dated this 5 day of July, 2024.

8
9
10 

11 RYAN HOLMQUIST
12 Defendant

13 

14 RALPH HURVITZ
15 Attorney for Defendant

16 

17 VINCENT T. LOMBARDI
18 Assistant United States Attorney

19 

20 CASEY S. CONZATTI
21 Assistant United States Attorney